

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 17-cv-640-JL

Annette P. DeMauro

PROCEDURAL ORDER: BENCH TRIAL

On or before **November 19, 2019**, the parties shall jointly file:

- a **single** timeline setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a **single** Statement of Agreed Facts followed by a Statement of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because....." or "There is a strong likelihood of success on the merits because...."). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing, which are disputed by the adverse party.

On or before **November 26, 2019**, each party shall file:

- a witness list;
- an exhibit list; and

- proposed findings of fact and rulings of law, specifically tailored to each pleaded claim, affirmative defense, counterclaim, and defense thereto (if applicable).¹

Counsel shall confer (preferably in person, or else by telephone) in a good-faith effort to identify all areas of agreement and to make the statement of facts and timeline as comprehensive as possible, so that open court testimony can focus on matters truly in dispute. Counsel are expressly discouraged from simply "recycling" factual statements submitted during previous motion practice in this case.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 1, 2019

cc: Thomas P. Cole, Esq.
Angela R. Foster, Esq.
Kurt S. Olson, Esq.
Gerard J. Levins, Esq.

¹The proposed finding and ruling are meant to function as your trial brief. Counsel may, but are not required, to file a separate trial brief.